

9. The DHS “One Face At The Border” Initiative Faces Serious Implementation Challenges

The “One Face at the Border” initiative was intended to streamline inspections on the border, yet, the implementation of this initiative has led to a dilution of expertise among inspectors that could result in diminished security.



The Customs and Border Protection (CBP) agency within the Department of Homeland Security (DHS) has implemented an initiative known as “One Face at the Border.” Under it, a single CBP officer is now responsible for interacting with the traveling public, processing their applications for entry, inspecting identification documents, and facilitating the entry of legitimate goods. International travelers no longer have to “run the gauntlet” through three different agency’s inspection processes.²³⁵ The merger of these agencies and their responsibilities was also intended to streamline their leadership into one chain of command, make the port-of-entry inspection process more efficient, and to show the traveling public that the agencies had merged through a single uniform, patches, and other symbols.

The “One Face” merger, however, has led to potential inefficiencies and security risks at the border, including the elimination of critical training for new CBP officers that will create serious gaps in critical port-of-entry assignments that necessitate specialized skills.

Critical Skills No Longer Being Taught to New Inspectors

With the merger, a new training curriculum was created for the new CBP officer. A comparison of the new curriculum with the former training reveals the elimination of two critical areas of training. Notably missing from the curriculum for new CBP officers is Spanish language training. Passing a Spanish proficiency course was a job requirement for legacy Immigration and Naturalization Service (L-INS) inspectors. However, legacy U.S. Customs Service (L-USCS) inspectors were not required to speak or understand Spanish, and therefore, it was not a part of their training. When the training programs merged under CBP, the Spanish courses were among the courses to be cut.

Because language training is not compulsory, new CBP officers are not required to demonstrate a proficiency in Spanish prior to being hired or being placed at a port-of-entry. The Minority staff was repeatedly warned that new CBP officers will not be effective if they are assigned to the Southern Border without Spanish language skills.²³⁶ Experienced inspectors advised that the ability of frontline CBP officers to speak Spanish is critical to determining citizenship; as well as detecting fraud and misrepresentations made by immigrants intent on gaining access to the United States for employment, criminal or terrorist purposes. Given that in fiscal year 2003, port inspectors stopped 13,235 immigrants falsely claiming to be U.S. citizens, the loss of this critical skill could have devastating effects.²³⁷ Moreover, in 2003, inspectors at these primary assignments interacted with over 242 million people on the Southern Border and in 98% of the cases cleared the travelers to cross into the U.S. without being referred for secondary inspection. The lack of a Spanish speaking requirement for a position solely

²³⁵ U.S. Department of Homeland Security, CBP, *Written Statement of Commissioner Robert C. Bonner before the Trade Subcommittee of the House Ways and Means Committee*, U.S. House of Representatives, June 15, 2004.

²³⁶ Legacy INS inspectors who had taken the five week Spanish Immersion Course communicated to staff that it helped them perform their job as new officers. Some inspectors stated that a 16 week course, similar to the U.S. Border Patrol’s Spanish course, would have been even more helpful.

²³⁷ Data obtained from facsimile provided by CBP Office of Congressional Affairs, August 16, 2004.

responsible for making the determination on admissibility into the U.S. for this volume of immigrants is a security risk that DHS cannot overlook.

According to experienced inspectors at various Southern ports-of-entry, many of the international travelers who attempt to cross the border speak only Spanish. They explained that knowledge of Spanish accents among Central and South American countries is critical to being able to determine the veracity of nationality claims. An experienced inspector can often determine the home country of a Central and South American traveler based on accent. For instance, immigrants from Spanish-speaking countries other than Mexico will claim to be Mexican and attempt to falsely use a genuine Border Crossing Card (BCC) or Laser Visa Card to enter the United States. In a case where an immigrant is using a genuine BCC but his or her accent indicates a country of origin other than Mexico, an experienced inspector is able to engage the immigrant in conversation in an attempt to find inconsistencies or a lack of knowledge of basic facts about Mexico.

Also removed from the merged curriculum is the L-INS adjudication training. Despite the creation of U.S. Citizenship and Immigration Services, some adjudications are still performed exclusively at ports-of-entry. For example, ports still adjudicate I-94 travel documents (which are used to travel more than 25 miles from the border or for more than 72 hours).²³⁸ In addition, when a person is approved for permanent residency in the United States, they arrive at ports-of-entry with a “visa package.” Inspectors stated these adjudications are complicated, in large part, due to the number of different visa types issued by the U.S. government. Several L-INS inspectors stated that these port-of-entry adjudication functions are no longer being taught in the new CBP officer training. Further, they were unaware of plans to cover this topic in an advanced training class. They are concerned that when current L-INS inspectors retire or quit, no one at ports-of-entry will have the proper skills to perform these adjudications.

Merger and Consolidation of Training Programs Has Diluted Skills of New CBP Officers

Part of the reason for cutting the language and other training from the new curriculum of CBP officers is because DHS expects the new CBP officer to be versed in both L-INS and L-USCS rules, regulations, and procedures. In essence, they are being trained to perform both functions. New CBP officers are now required to more than double their knowledge of laws, regulations, policies, and procedures directly relating to their mission, and thus training programs have increased from 118 hours to 258 hours.²³⁹

²³⁸ On August 10, 2004, DHS Under Secretary Asa Hutchinson announced that Mexicans with a Border Crossing Card would be permitted to travel in the United States for up to 30 days. This announcement did not change the 25 mile limitation. It is unclear when this change would go into effect, only that it would begin “prior to the implementation of US-VISIT at the 50 busiest land border ports-of-entry, scheduled to start on Dec. 31, 2004.” U.S. Department of Homeland Security, Press Office, “DHS Announces Expanded Border Control Plans,” August 10, 2004.

²³⁹ Based on documentation provided by DHS, legacy USCS Inspector training was 51 days in length, totaling 403 training hours. According to the syllabus, about 118 hours of the 403 total training hours related directly to processing and trade facilitation. The remainder of hours included firearms training, less-than-lethal methods of

Many non-supervisory inspectors acknowledged that it was unrealistic to require inspectors to be cross-trained for L-INS and L-USCS procedures, policies, regulations, and criminal violations. These inspectors stated that it is barely possible to know all of the intricacies of either agency's jurisdictions, much less both. For instance, there are over 400 Customs laws and trade regulations that have to be considered by inspectors at ports-of-entry.²⁴⁰ In addition, extensive cross-training could water-down the new CBP agent's level of knowledge on an array of topics including: passenger processing, trade facilitation, immigration status, asylum seekers, agriculture processing, crew members, types of documents, and grounds of admissibility. Instead of each legacy agency's inspectors knowing a great deal about a smaller subject matter, under "One Face at the Border," experienced inspectors warned, new CBP inspectors would know a smaller amount about a large subject matter – they would turn into generalists.

It appears that DHS has already reached the same conclusion concerning the agriculture component of the merger. The February 12, 2004 policy that "'One face at the border' initiative, ... will cross-train officers to perform three formerly separate inspections - immigration, customs and agriculture" was changed prior to July 13, 2004, because DHS recognized that it was impossible for new CBP officers to also know agricultural laws and regulations in addition to customs and immigration specialties.²⁴¹ On that date, the Department announced that it had created two new positions: "CBP Officer" and "CBP Agriculture Specialist."²⁴² The CBP Agricultural Specialist would take the place of L-APHIS inspectors; and the CBP Officer would replace only the L-USCS and L-INS inspectors. This decision is a proper, although belated, recognition by DHS management that the agriculture and other CBP functions require a level of specialization and skill that could not be merged. Based upon warnings received by experienced field inspectors, the decision to merge L-USCS and L-INS functions may have to be revisited.

control, physical conditioning, and legal training. When the two training programs were merged to form a CBP Officer training program, the length of training was increased to about 71 days, totaling about 568 hours. Processing and trade facilitation courses relating to legacy USCS, legacy INS and legacy APHIS now comprise approximately 258 hours. See CBP Integrated Training Program, Syllabus SH-102, April 2004.

²⁴⁰ CRS, *Department of Homeland Security: Consolidation of Border and Transportation Security Agencies*, RL31549, p. 11. The concern that inspectors' ability to learn and become experienced in vast amounts of complex areas is also noted in Congressional Research Service, *Border Security: Inspections Practices, Policies, and Issues*, p. 49-50.

²⁴¹ DHS, *Written Testimony of Secretary Tom Ridge, before the House Select Committee on Homeland Security, U.S. House of Representatives*, February 12, 2004.

²⁴² See, U.S. Department of Homeland Security Customs and Border Protection Press Office, "U.S. Customs and Border Protection Graduates First Class of CBP Agriculture Specialists," July 13, 2004.



Agriculture Secondary Inspection Station, Mariposa port-of-entry, Arizona.

Frontline inspectors advised that despite the merged curriculum and position description, a legacy-agency distinction is still made for each inspector at the ports-of-entry. For example, CBP_i designates a CBP officer from L-INS; CBP_a designates a CBP officer from L-APHIS; CBP_c designates a CBP officer from L-USCS; and CBP_o designates a newly commissioned CBP officer. Each officer's designation dictates the assignment that he or she is able to work: For instance, CBP_i personnel may be assigned to work in passenger secondary, whereas CBP_c personnel will be placed in secondary cargo lanes. Therefore, the current effect of these agencies merging was, in large part, in name only.

In fact, during the staff trip to the San Diego ports-of-entry, it appeared that port officials recognized the inability of new CBP officers (CBP_o) to work at every position. New CBP officers at the San Ysidro and Otay Mesa ports-of-entry were limited to working only in a primary vehicle/pedestrian inspection lane or the "Customs secondary areas." They were not permitted to work positions at the cargo lanes or in the "INS secondary areas."

Non-supervisory officers explained that the secondary inspection area is unofficially split up between a "Customs Area" and an "INS Area." Although the Port Director did not acknowledge this separation, several officers in these areas readily explained the distinction. They stated that when a vehicle comes through primary, the primary inspector either has a suspicion that the vehicle contains contraband or that there is a problem with the occupant's citizenship. If the vehicle is being sent to secondary due to contraband, the primary inspector

places a folded slip of paper under the windshield wiper. If the vehicle is suspected of citizenship violations, the slip of paper is folded the opposite way. At the entrance to secondary, an inspector will note the direction of the fold in the slip of paper and will direct the vehicle to either the L-USCS or L-INS inspection area.

This division of responsibilities is an implicit admission that there still remains a need for multiple agencies and multiple missions with multiple skill sets existing under the name of CBP. The creation of the new “generalist” CBP officer fails to recognize the need for specialized skill sets. Combined with the loss of the language skills, it raises a number of security and efficiency concerns which will only be exacerbated as attrition takes its toll on CBP with the loss of the expertise of legacy officers.

If the merged curriculum has not adequately prepared new CBP officers to conduct inspections at cargo facilities, rail facilities, or “INS secondary,” then new security and commerce concerns will arise as more experienced inspectors retire or quit. New CBP officers will undergo a “trial by fire” as they are required to work new positions with inadequate training. This could also potentially cause a slowdown in inspections affecting commerce as new CBP officers learn new regulations and procedures.

“One Face at the Border” Transition Has Caused Morale Problems

The merger of the three legacy agencies under the “One Face” policy has not been a trouble-free transition. The staff was inundated with complaints from inspectors across the Southern Border. Some of the issues were resolved by the DHS during the course of this investigation. These issues included complaints about “common journeyman” pay grades, salary enhancements for language skills, “on-the-spot” awards for significant seizures, and overtime pay limits.

However, many other complaints remain unresolved, specifically, that a majority of the new senior management positions under CBP were filled with L-USCS personnel. It is alleged that the L-USCS supervisors have implemented port policies and practices that favor L-USCS programs and employees over other agency programs. Many L-INS inspectors claim that morale has suffered due to their legacy agency’s practices and programs being “phased out” without adequate justification from port leadership. T.J. Bonner, president of the National Border Patrol Council, recently reiterated this concern when he stated, “This mismanagement and lack of support has caused morale to plummet precipitously.”²⁴³

²⁴³ Statement of T.J. Bonner, president, National Border Patrol Council, August 23, 2004. This statement was made in conjunction with the release of an August, 2004 survey which reported that out of 500 port-of-entry inspectors and Border Patrol agents, 60% of those surveyed said that morale was low among their co-workers. About 45% said that they had considered leaving their jobs within the past two years. The survey was conducted by the National Homeland Security Council and the National Border Patrol Council. Peter D. Hart Research, *Attitudes among Front-Line Border Protection Personnel*, August 20, 2004. http://www.afge.org/Documents/HartSurveyDHS_BP.pdf.

The DHS “One Face At The Border” Initiative Faces Serious Implementation Challenges Conclusions and Recommendations

The merger of border agencies under CBP has the promise to streamline inspections in a more effective and coordinated agency. The single agency can also more efficiently share information than when the agencies were separated between three cabinet offices: Department of Justice, the Department of Treasury, and the Department of Agriculture. Merging the agencies under common leadership is a positive step toward closing the border security gaps. However, the implementation of “One Face at the Border” has created an undue burden on inspectors at U.S. ports-of-entry. CBP officers are required to master far too many laws, rules and regulations to perform their job adequately. The new cadre of CBP officers will become “generalists,” lacking essential language skills and knowledge of specific immigration regulations, trade facilitation processing, or false document detection. The result raises serious security and management concerns for the future, as the current skill set in CBP decays due to natural attrition.

We recommend that:

1. The Department of Homeland Security create new positions in CBP that recognize the intricacies and wealth of knowledge needed to adequately perform the L-INS and L-USCS missions. CBP has already acknowledged the uniqueness of the CBP Agriculture Specialist. Similar positions should be created which recognize the specialty areas of immigration and trade facilitation and, if appropriate, create separate CBP Customs and Immigration Specialist positions.
2. CBP officers on the Southern Border be required to attend and pass a training course in Spanish prior to being assigned to the border, and that salaries be adjusted to reflect this additional requirement.
3. A study be conducted on the merging of L-INS and L-USCS training classes. This study should focus on the content of the curriculum to determine the levels that topics were expanded, reduced or eliminated; and the ability of trainees to adequately perform all aspects of immigration and trade facilitation.

